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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,905	04/16/2004	Lawrence C. Rose	1391-49700	8906
46133	7590	12/20/2005	EXAMINER	
CONLEY ROSE, P.C. PO BOX 3267 HOUSTON, TX 77253-3267			COLLINS, GIOVANNA M	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/825,905

Applicant(s)

ROSE, LAWRENCE C.

Examiner

Giovanna M. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13, 14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) 4, 12, 15 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040621</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2,5,6,8-11,13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittrisch 4,738,312 in view of Ludwig et al. 6,032,733 .

Referring to claims 1-2 and 8, Wittrisch discloses (figs. 1-3) a logging tool system (col. 1, lines 9-15) comprising a side entry sub (1c) to receive a wireline (2), a cutting sub (1) with a cutting apparatus (16). Wittrisch does not disclose a cable head. Ludwig teaches a cable head is well known in connecting wirelines to downhole tools and having a release to disconnect the wireline (col. 1, lines 18-22). As one in the art would be familiar with a cable head, it would be obvious modify the system disclosed by

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Wittrisch to have a cable head connecting a downhole tool the cutting sub and a release connecting the wireline to the cable head in view of the teachings of Ludwig.

Referring to claim 5, Wittrisch discloses a modified fishneck (sub 1b).

Referring to claim 6, Ludwig teaches the release comprises a fusible material (col. 3, lines 45-58).

Referring to claims 9 ,13 and 19, Wittrisch discloses a method of performing logging operations conveying a logging tool system on a pipe string comprising a side entry sub (1c) and a cutting sub (1), and performing logging operations (col. 1, lines 8-15). Wittrisch does not disclose a cable head. Ludwig teaches a cable head is well known in connecting wirelines to downhole tools and having a release to disconnect the wireline (col. 1, lines 18-22). As one in the art would be familiar with a cable head, it would be obvious modify the system disclosed by Wittrisch to have a cable head connecting a downhole tool the cutting sub and a release connecting the wireline to the cable head in view of the teachings of Ludwig.

Referring to claims 10 and 20, Wittrisch discloses cutting a wireline with a cutting apparatus (16) and retrieving the wireline (col. 3, lines 66-68). Wittrisch does not specifically disclose releasing the wireline first. Ludwig teaches releasing a wire line from a downhole tool so the tension in the wireline is not over exceeding and the wire line is broken at a unintended point (col. 3, 59-65). As I would be advantageous not to break the wireline at an unintended point, it would be obvious to modify the method disclosed by Wittrisch to first release the wireline in view of the teaches of Ludwig.

Referring to claim 11, Wittrisch teaches engaging the cutting apparatus (at 5) with a rehead (4) engaged with the wireline and applying a force to the wireline to actuate the cutting apparatus with the rehead (col. 3, lines 54-68).

2. Claims 1-2, 5, 7-9, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittrisch 4,738,312 in view of Lenhart 5,141,051).

Referring to claims 1-2 and 8, Wittrisch discloses (figs. 1-3) a logging tool system (col. 1, lines 9-15) comprising a side entry sub (1c) to receive a wireline (2), a cutting sub (1) with a cutting apparatus (16). Wittrisch does not disclose a cable head. Lenhart teaches a cable head is used to connect a wireline to downhole tools in the drillstring (col. 3, lines 3 -10). As it would be advantageous to have a cable head such that the wireline can be electrically connected and released as needed, it would be obvious modify the system disclosed by Wittrisch to have a cable head connecting a downhole tool the cutting sub and a release connecting the wireline to the cable head in view of the teachings of Lenhart.

Referring to claim 5, Wittrisch discloses a modified fishneck (sub 1b).

Referring to claim 7, Lenhart discloses a mechanical release (40).

Referring to claims 9, 13 and 19, Wittrisch discloses a method of performing logging operations conveying a logging tool system on a pipe string comprising a side entry sub (1c) and a cutting sub (1), and performing logging operations (col. 1, lines 8-15). Wittrisch does not disclose a cable head. Lenhart teaches a cable head is used to connect a wireline to downhole tools in the drillstring (col. 3, lines 3 -10). As it would be

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advantageous to have a cable head such that the wireline can be electrically connected and released as needed, it would be obvious modify the system disclosed by Wittrisch to have a cable head connecting a downhole tool the cutting sub and a release connecting the wireline to the cable head in view of the teachings of Lenhart.

3. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wittrisch 4,738,312 in view of Ludwig et al. 6,032,733 as applied to claim 1 and further in view of Marshall 4,388,969.

Wittrisch as modified does not disclose a pack off and the wireline entering the side entry sub through the pack off. Marshall teaches side entry subs having a pack off and the wireline entering the side entry sub through the pack off is well known in the art (col. 1, lines 11-15). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to further modify the system disclosed by Wittrisch, as modified by Ludwig, to have a packoff in view of the teachings of Marshall because a packoff is well known in the art.

4. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wittrisch 4,738,312 in view of Lenhart '051 as applied to claim 1 and further in view of Marshall 4,388,969.

Wittrisch as modified does not disclose a pack off and the wireline entering the side entry sub through the pack off. Marshall teaches side entry subs having a pack off and the wireline entering the side entry sub through the pack off is well known in the art

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(col. 1, lines 11-15). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to further modify the system disclosed by Wittrisch, as modified by Lenhart, to have a packoff in view of the teachings of Marshall because a packoff is well known in the art.

5. Claims 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittrisch 4,738,312 in view of Ludwig et al. 6,032,733 and Marshall 4,388,969.

Referring to claims 1-2 and 8, Wittrisch discloses (figs. 1-3) a logging tool system (col. 1, lines 9-15) comprising a side entry sub (1c) to receive a wireline (2), a cutting sub (1) with a cutting apparatus (16). Wittrisch does not disclose a cable head or a pack off. Marshall teaches side entry subs having a pack off and the wireline entering the side entry sub through the pack off is well known in the art (col. 1, lines 11-15). Ludwig teaches a cable head is well known in connecting wirelines to downhole tools and having a release to disconnect the wireline (col. 1, lines 18-22). As one in the art would be familiar with a cable head and a pack off, it would be obvious modify the system disclosed by Wittrisch to have a packoff and a cable head connecting a downhole tool the cutting sub and a release connecting the wireline to the cable head in view of the teachings of Marshall and Ludwig.

Referring to claim 16, Wittrisch discloses a modified fishneck (sub 1b).

Referring to claim 17, Ludwig teaches the release comprises a fusible material (col. 3, lines 45-58).

6. Claims 14,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittrisch 4,738,312 in view Lenhart '051 and Marshall 4,388,969.

Referring to claims 1-2 and 8, Wittrisch discloses (figs. 1-3) a logging tool system (col. 1, lines 9-15) comprising a side entry sub (1c) to receive a wireline (2), a cutting sub (1) with a cutting apparatus (16). Wittrisch does not disclose a cable head or a pack off. Marshall teaches side entry subs having a pack off and the wireline entering the side entry sub through the pack off is well known in the art (col. 1, lines 11-15). Lenhart teaches a cable head is used to connect a wireline to downhole tools in the drillstring (col. 3, lines 3 -10). As one of ordinary skill in the art would be familiar with a pack off and it would be advantageous to have a cable head such that the wireline can be electrically connected and released as needed, it would be obvious modify the system disclosed by Wittrisch to have a packoff and a cable head connecting a downhole tool the cutting sub and a release connecting the wireline to the cable head in view of the teachings of Marshall and Lenhart.

Referring to claim 16, Wittrisch discloses a modified fishneck (sub 1b).

Referring to claim 18, Lenhart disclose a mechanical release (40).

#### ***Allowable Subject Matter***

7. Claims 4,12,15, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gmc

  
David Bagnell  
Supervisory Patent Examiner  
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